IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

CHAMBER SUMMONS NO.1368 OF 2003
IN
EXECUTION APPLICATION NO.250 OF 2003
IN
ARB. PETITION NO.168 OF 2000

SIEMENS Ltd ..... Applicants
vs.
Dr. Arvind V. Kamat ..... Respondents

S.N. Shah with M. Rai i/b. M/s. Negandhi and Himayatullah for the applicants.

Dr.A.V. Kamat-respondent present in person.

CORAM: S.U. KAMDAR, J.

DATE : 4TH APRIL, 2005.

P.C. :

1. The present chamber summons is taken out by the applicant decree holder for handing over the amount

of royalty deposited by the respondent judgment debtor during the time when he was in possession of the machinery as agent of the Court Receiver during the pendency of the said arbitration proceedings. The arbitration proceedings has been concluded and the award decree has been passed. The challenge to the said decree has already been dismissed by this court on 27.1.2003. There is no appeal preferred against the said award and judgment dated 27.1.2005 before the division bench of this court being Later's Patent Appeal. However the defendant appearing in person states that he has filed a Special Leave Petition in the Hon'ble Supreme Court but the same is not yet numbered nor moved. The award has become final more than two years back and still the respondents has taken no steps to obtain any order from the Supreme Court of India. The matter was adjourned twice on 7.3.2005 and on 22.3.2005 so as to enable him to take appropriate steps in respect of the same but he has taken no steps. In view thereof I pass the following order :

. The court receiver is directed to hand over the amount lying with him with interest accrued thereof to the applicant towards the discharge of the award decree.

. Chamber summons disposed off accordingly with no order as to costs.

sd/-

****